

REMARKS

This is in response to the Office Action mailed September 25, 2007. Claims 18, 22 and 24 have been cancelled without prejudice or disclaimer herein. Claim 5 has been amended to correct a typographical error. Thus, claims 1-17, 19-21, 23 and 25 remain pending, of which claims 2, 3, 12, 14 and 20 are withdrawn from consideration. No new matter has been added.

Applicants request entry of the amendment to claim 5 under 37 C.F.R. § 1.116 because the amendment does not significantly alter the scope of the claim and merely corrects a typographical error. Accordingly, no new features or new issues are being raised.

On page 2 of the Office Action, the Examiner rejected claims 1, 4, 6-11, 13, 15-17, 19, 21, 23 and 25 under 35 U.S.C. § 102 as being unpatentable over Kent (U.S. 7,061,475) in view of Tanimoto et al. (U.S. 5,844,561). On page 6 of the Office Action, the Examiner rejects claim 5 under Kent in view of Tanimoto et al. and in further view of Ely et al. (U.S. 6,667,740).

Kent discusses an acoustic wave touch based system in which pixels are projected onto a helical surface. The disclosure relates to how touch sensing is performed.

On page 2, the Examiner concedes that Kent does not teach an image on a display cursor and refers to Tanimoto to allegedly cure this deficiency. Applicants submit that the combination of Ken and Tanimoto fail to describe "a passive sensor allowing a user to affect the display content through the passive sensor by **mapping the affect to a 3D position** of a cursor" as recited by claim 1 (with emphasis).

Tanimoto discusses a display tablet and a function of inputting data by detecting an input pen that has come into contact with the display tablet. As shown in Figure 12A, however, the input pen merely inputs data on a 2D (two-dimensional) plane. In other words, Tanimoto is related to inputting data on a display using a conventional two-dimensional tablet and does not contemplate inputting data in 3D (three-dimensional) space. For example, the Office Action cites column 20, lines 7-39 of Tanimoto, which describes a zoom-in and zoom-out function. A zoom-in and zoom-out function limited to a 2D display, however, does not describe a "3D position of a cursor" as required by claim 1. Moreover, claim 1 recites "**mapping the affect to a 3D position** of a cursor" and not merely mapping a *position* of a cursor. In other words, the modification of Kent in view of Tanimoto would merely describe positioning a cursor in a two-dimension plane but not "mapping the affect to a 3D position" as recited by claim 1. Therefore, Applicants submit that claim 1 patentably distinguishes over the cited art.

The above discussion can be looked to inform the review by the Examiner of claims 19,

21, 23 and 25.

Moreover, Applicants submit that the cited art fails to describe "said input configuration comprising an input device moving in three dimensions on a surface of said display" as recited by claim 25. The Office Action cites Kent column 13, lines 63-67 and column 77, line 62 through column 78, line 29 as allegedly disclosing this feature. Kent merely describes acquiring touch information relating to a third axis from two simultaneous touches (col. 78, lines 1-5). In other words, Kent utilizes simultaneous touches (i.e. on a flat 2D surface) to obtain data for a third axis. Simultaneous touches or touch intensity (see col. 78, lines 36-40), however, does not equate to "an input device **moving in three dimensions on a surface** of said display " as required by claim 25. Accordingly, Applicants submit that claim 25 distinguishes over the cited art on this additional basis.

Accordingly, it is submitted that the independent claims distinguish over the cited art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited art.

It is submitted that the claims are not taught, disclosed or suggested by the cited art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.


Respectfully submitted,

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7/28/8

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